

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ParkerVision, Inc.,

Plaintiff

v.

Realtek Semiconductor Corp.,

Defendant

Case No. 6:22-cv-01162-ADA

JURY TRIAL DEMANDED

MOTION FOR CLERK'S ENTRY OF DEFAULT

Plaintiff ParkerVision, Inc. (“Plaintiff”) respectfully moves for entry of a default against Defendant Realtek Semiconductor Corp. (“Defendant”). In support of this motion, Plaintiff shows as follows:

1. On November 10, 2022, Plaintiff filed a Complaint for Patent Infringement against Defendant. ECF No. 1.
2. Pursuant to Fed. R. Civ. P. 4(f)(2)(C)(ii), and as recognized by the U.S. Department of State, Defendant was duly served with a copy of the Complaint and Summons on December 19, 2022, as set forth in the filed Acknowledgement of Service. ECF No. 9; TRAVEL.STATE.GOV, <https://travel.state.gov/content/travel/en/legal/Judicial-Assistance-Country->

Information/Taiwan.html (“Service of process in Taiwan can be effected by international registered mail/return receipt requested.”).¹

3. More than twenty-one (21) days have elapsed since Defendant was served. To date, Defendant has failed to answer, plead, or otherwise defend the allegations of Plaintiff’s Complaint.
4. Pursuant to Federal Rule of Civil Procedure 55(a), a default must be entered against a party against whom a judgment of affirmative relief sought when that party has failed to plead or otherwise defend the action.
5. Because Defendant has failed to plead or otherwise defend this action, Plaintiff respectfully requests the Clerk of Court to enter a default against Defendant.
6. In support of this request, Plaintiff relies upon the record in this case and the affidavit submitted herein.

WHEREFORE, Plaintiff respectfully requests the Clerk of Court to enter a default against Defendant pursuant to Federal Rule of Civil Procedure 55(a).

¹ After signing for and acknowledging delivery and receipt of the Clerk’s package containing the Summons and Complaint, Defendant attempted to return service by mailing it to Plaintiff’s counsel. *See* ECF No. 11-1. Defendant’s return of process does not change the fact that the Clerk addressed and mailed process to Defendant requiring a signed receipt—which was signed—in a setting where there is no internationally agreed means of service and such service is not prohibited by the laws of Taiwan. Fed. R. Civ. P. 4(f)(2)(C)(ii); TRAVEL.STATE.GOV, <https://travel.state.gov/content/travel/en/legal/Judicial-Assistance-Country-Information/Taiwan.html>

Dated: February 17, 2023

Respectfully submitted,

/s/ Raymond W. Mort, III

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